

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROBERT G. WINGO,

Plaintiff,

v.

**THYSSENKRUPP MATERIALS NA, INC.,
d/b/a COPPER AND BRASS SALES,**

Defendant.

NO. 08 C 368

**Hon. Samuel Der-Yeghiayan
Judge Presiding
Magistrate Judge Schenkier**

JOINT INITIAL STATUS REPORT

NOW COME the Plaintiff, ROBERT G. WINGO, by his attorney, LISA KANE of LISA KANE & ASSOCIATES, P.C., and Defendant, THYSSENKRUPP MATERIALS NA, INC., d/b/a COPPER AND BRASS SALES., by JEFFREY S. PIELL of QUARLES & BRADY, LLP, and submit the following Status Report pursuant to this Court's Order of February 15, 2008.

A. Attorneys of Record:

For Plaintiff: Lisa Kane, Janice A. Wegner, Darren A. Bodner, Michael Young, and
Tyler Manic

For Defendant: Jeffrey S. Piell, Russell Linden

B. Basis of federal jurisdiction:

This action is brought pursuant to the Age Discrimination in Employment Act, as amended, 29 U.S.C. §§ 621 *et seq.* Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1343(a)(3) and (4) and 28 U.S.C. § 1331. Declaratory relief is sought under 28 U.S.C. §§ 2201 and 2202.

C. Nature of claims and counterclaims:

Plaintiff, age 54, alleges that he was subjected to age discrimination in the discipline and termination of Plaintiff, and replaced by a substantially younger employee.

D. Relief sought by plaintiff:

Injunctive, declaratory, actual, consequential, compensatory, liquidated, attorney's fees and costs.

D. Name of any party not yet served: None.

E. Principal legal issues:

1. Whether the Plaintiff can establish the prima facie elements of his causes of action.
2. Whether the Defendant has articulated legitimate non-discriminatory reasons for its actions in its discipline and termination of plaintiff.
3. Whether Plaintiff has shown that Defendant's articulated discriminatory reason(s) was/were pretextual.
4. Whether Plaintiff has mitigated his damages.

F. Principal factual issues:

1. Whether Plaintiff was subjected to different terms and conditions of employment than similarly situated younger employees.
2. Whether Plaintiff has incurred damages as a result of alleged wrongful conduct on the part of Defendant.
3. Whether Defendant's actions in its discipline and termination of Plaintiff were

pretextual.

4. Whether a substantially younger employee assumed Plaintiff's duties..

G. List of pending motions and brief summary of bases for motions:

There are no pending motions.

H. Description of discovery requested and exchanged:

Written discovery will be propounded in the near future now that Defendant has filed its responsive pleading to Plaintiff's Complaint.

Depositions will be required by both parties.

I. Type of discovery needed:

The parties will require depositions of Plaintiff and an anticipated approximate number of eight (8) to ten (10) employees of Defendant. However, once Rule 26(a)(1) Disclosures are exchanged, counsel for the parties will know of any additional depositions that may be necessary.

J. Agreed dates for:

Rule 26(a)(1) Disclosures: March 5, 2008

Fact Discovery Completion : June 16, 2008

Expert Discovery Completion: The parties do not anticipate that experts will be required.

Dispositive Motion Deadline: July 16, 2008

Filing of Final Pretrial Order: Forty-five (45) days following ruling on any dispositive motion.

K. Estimated trial ready date: November, 2008

L. Probable length of trial: Three (3) to four (4) days.

M. Request for jury trial:

Plaintiff has requested a trial by jury on his claims.

N. Status of Settlement discussions:

There have been no settlement discussions.

O. Consent to proceed before a Magistrate Judge:

The parties DO NOT unanimously consent to reassignment to Magistrate for trial.

Dated: February 20, 2008

ROBERT G. WINGO,

THYSSENKRUPP MATERIALS NA, INC., d/b/a
COPPER AND BRASS SALES.,

s/ Lisa Kane

By: LISA KANE
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s/ Jeffrey S. Piell

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